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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
C.F. Communications Corp., et al.)	
)	
Complainants,)	
)	
v.)	EB Docket No. 01-99
)	
Century Telephone of Wisconsin, Inc.,)	
et al.)	
Defendants.)	
)	
Kayson Communications, Inc.)	File No. E-93-58
)	
Complainant,)	
)	
v.)	
)	
Verizon Communications, Inc., successor in)	
Interest to New York Telephone Co.,)	
)	
Defendant)	

TO: Arthur I. Steinberg
Administrative Law Judge

**VERIZON-NEW YORK'S ANSWERS TO KAYSON COMMUNICATIONS'
INITIAL INTERROGATORIES AND RESPONSES TO REQUESTS FOR
PRODUCTION OF DOCUMENTS**

The Defendant Verizon-New York Inc., in File No. E-93-58, responds to
Complainant Kayson Communications, Inc.'s Initial Interrogatories and Requests for
Production of Documents as follows:

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List A B C D E

I. GENERAL OBJECTIONS:

1. In its Definitions and Instructions and in its specific Interrogatories and
Requests for Documents, Complainant fails to distinguish between its public payphones

as opposed to its semi-public payphones. Since Defendant was entitled to assess EUCL charges on Complainant's semi-public payphones and is entitled to retain the EUCL charges paid by Complainant as to those payphones, nothing about those payphones can be relevant to this case. Moreover, Complainant bears the burden of proving that it was wrongly assessed EUCL charges on its public payphones. Defendant's Answers to Interrogatories and production of documents in response to Complainant's Request for Documents, therefore, is not an admission that any EUCL charges assessed were assessed on Complainant's public payphones instead of its semi-public payphones.

2. In its Definition No. 1, Complainant defines "New York Telephone" and "NY Telephone" to include predecessors and successors from 1989 to the present. Since Complainant is subject to a two-year statute of limitations period that starts from the date Complainant filed its Complaint – February 16, 1993 – information prior to February 16, 1991, is not relevant.

II. SPECIFIC OBJECTIONS:

1. *Please state the amount of end user common line (EUCL) charges for telephone lines and/or other services provided to Kayson under any NY Telephone tariff which applied to use of such lines and/or services with customer-owned pay telephone equipment for which NY Telephone billed Kayson (a) in each month from January 1991 through and including April 1997, and (b) in each month from June 1989 through and including December 1990. If available in any such format, please provide the requested information on 3.5-inch diskette or compact disc in one or more of the following formats: Microsoft Excel 97, Lotus 1-2-3, dBase III; or as text in fixed-length, comma-delimited fields.*

ANSWER:

Defendant objects to this request to the extent it seeks information for any period prior to February 16, 1991. Complainant's claim is subject to a two-year statute of limitations that runs from the date the Complaint was filed. The Complaint was filed

February 16, 1993; therefore, information prior to February 16, 1991, is not relevant to any issue in this case.

Subject to and without waiving this objection, Defendant states that the following EUCL rates were in effect during the relevant time period:

<u>Effective Date</u>	<u>Charge</u>
1/91-6/91	5.93
7/91-6/92	5.69
7/92-6/93	5.15
7/93-6/94	5.80
7/94-6/95	6.00
7/95-6/96	6.00
7/96-4/97	6.00

2. *In the event that you elect to provide copies of business records in lieu of any of the data requested in Interrogatory No. 1, please (a) identify and describe each type of record you provide, and (b) describe how and where (i) the amount of EUCL charge, and (ii) the period for which the EUCL charge was billed, is stated in each record or in each type of record.*

ANSWER:

See Defendant's Answer to Interrogatory No. 1.

3. *In the event that you elect to provide copies of business records in lieu of any of the data requested in Interrogatory No. 1 and you provide such copies in electronic form, (a) please identify the format (including name of software and version used) in which each record or type of record is stored on the medium or media provided. If software necessary to read the electronic records you provide is not, to the best of your knowledge, generally available off-the-shelf at retail software outlets, please provide paper printouts or paper copies of such records.*

ANSWER:

See Defendant's Answer to Interrogatory No. 1.

4. *Please provide copies of all records in your possession, custody or control which record or reflect payment by Kayson on or after February 9, 1991, of any invoice by NY Telephone to Kayson, which invoice included any EUCL charges for any period prior to April 16, 1997, for telephone lines and/or other services provided to Kayson under any NY Telephone tariff which applied to use of such lines and/or services with customer-owned pay telephone equipment.*

RESPONSE:

Complainant has failed to make any distinction between EUCL charges it might have paid on its public payphones versus charges it might have paid on its semi-public pay phones. Since Defendant was entitled to assess EUCL charges for Complainant's semi-public payphones and is entitled to retain the EUCL charges paid by Complainant as to those payphones, nothing about those payphones can be relevant to this case.

Subject to and without waiving this objection, Defendant states that it has found no records which record or reflect Kayson's payment of any Verizon invoices or EUCL charges for payphone lines provided to Kayson between February 9, 1991, and April 16, 1997. To the contrary, Defendant's records reflect that Kayson withheld payment of the EUCL charges assessed during that time, and Kayson admits in its Complaint that it "ceased paying EUCL charges billed to its IPPs in July, 1991." Complaint at 7.

Defendant will produce for inspection and copying, however, documents that record and reflect an ongoing balance Kayson owed to the Defendant during the relevant time period.

5. *Please provide copies of all records in your possession, custody or control which record or reflect payment by Kayson on or after July 13, 1989, but prior to February 9, 1991, of any invoice by NY Telephone to Kayson, which invoice included any EUCL charges for telephone lines and/or other services provided to Kayson under any NY Telephone tariff which applied to use of such lines and/or services with customer-owned pay telephone equipment.*

RESPONSE:

Defendant objects to this request to the extent it seeks information for any period prior to February 16, 1991. Complainant's claim is subject to a two-year statute of limitations that runs from the date the Complaint was filed. The Complaint was filed February 16, 1993; therefore, information prior to February 16, 1991, is not relevant to the resolution of this case. Furthermore, Complainant has failed to make any distinction between EUCL charges it might have paid on its public payphones versus charges it might have paid on its semi-public pay phones. Since Defendant was entitled to assess EUCL charges for Complainant's semi-public payphones and is entitled to retain the EUCL charges paid by Complainant as to those payphones, nothing about those payphones can be relevant to this case.

Subject to and without waiving this objection, Defendant states that it has found no records which record or reflect Kayson's payment of any Verizon invoices or EUCL charges for payphone lines provided to Kayson between July 13, 1989, but prior to February 9, 1991.

6. For each month (a) commencing with January 1991 and ending with April 1997, and (b) commencing with June 1989 and ending with December 1990, please state the usual monthly billing date(s) and payment due date(s) (i.e., the usual date(s) of the month on which you mailed bills and the usual date(s) by which the bill stated that payment was due) for customers taking service under any NY Telephone tariff which applied to use of telephone lines and/or other services with customer-owned pay telephone equipment during that time period.

ANSWER:

Defendant objects to this request to the extent it seeks information for any period prior to February 16, 1991. Complainant's claim is subject to a two-year statute of limitations that runs from the date the Complaint was filed. The Complaint was filed

February 16, 1993; therefore, information prior to February 16, 1991, is not relevant to the resolution of this case. In addition, Defendant objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving this objection Defendant states: In New York State there are ten bill cycles or billing dates each month – the 1st, 4th, 7th, 10th, 13th, 16th, 19th, 22nd, 25th and 28th. The bill date is determined by the NXX or Central Office serving the particular customer. All bills are mailed to the customer six business days after the bill date and are due 26 days after the bill date. If the 26th day is a weekend or holiday, the bill is due the following business day.

7. (a) Do you contend that Kayson did not pay some or all of the EUCL charges for which you billed it for telephone lines and/or other services provided during the period from February 9, 1991, to and including April 15, 1997, under any NY Telephone tariff which applied to use of such lines and/or services with customer-owned pay telephone equipment? (b) If your response to part (a) is anything other than an unqualified "no," please provide copies of all evidence in your possession, custody or control which, in your view, supports or tends to support your response to part (a).

ANSWER:

(a) Yes; it is Defendant's contention that Kayson did not pay any of the EUCL charges that it was billed from February 9, 1991, through April 15, 1997.

(b) Defendant will produce for inspection and copying non-privileged documents responsive to this request.

8. (a) Do you contend that Kayson did not pay some or all of the EUCL charges for which you billed it for telephone lines and/or other services provided during the period from July 13, 1989, to and including February 9, 1991, under any NY Telephone tariff which applied to use of such lines and/or services with customer-owned pay telephone equipment? (b) If your response to part (a) is anything other than an unqualified "no," please provide copies of all evidence in your possession, custody or control which, in your view, supports or tends to support your response to part (a).

ANSWER:

Defendant objects to this request to the extent it seeks information for any period prior to February 16, 1991. Complainant's claim is subject to a two-year statute of limitations that runs from the date the Complaint was filed. The Complaint was filed February 16, 1993; therefore, information prior to February 16, 1991, is not relevant to the resolution of this case.

Subject to and without waiving this objection, it is Defendant's position that Kayson did not pay any of the EUCL charges that it was billed from July 13, 1989, to and including February 9, 1991.

9. Please provide copies of all records in your possession, custody or control that state or describe (e.g., by address, name of business on the premises, etc.) the location of any pay telephone for which you billed EUCL charges to Kayson for telephone lines and/or other services provided (a) during the period from February 9, 1991, to and including April 15, 1997, or (b) during the period from July 13, 1989, to and including February 9, 1991, under any NY Telephone tariff which applied to use of such lines and/or services with customer-owned pay telephone equipment,

RESPONSE:

Defendant objects to this request to the extent it seeks information for any period prior to February 16, 1991. Complainant's claim is subject to a two-year statute of limitations that runs from the date the Complaint was filed. The Complaint was filed February 16, 1993; therefore, information prior to February 16, 1991, is not relevant to the resolution of this case.

Subject to and without waiving this objection, Defendant states that it has found no records that state or describe the location of any payphone for which Kayson was billed EUCL charges between February 16, 1991, and April 17, 1991.

10. For each type of record of NY Telephone that you produce in response to these Interrogatories and Requests for Production, please identify each person who now

is, or who has been at any time during the period from January 1, 1989, to the present, a custodian of such records. (b) For each such custodian, please provide: (i) the individual's name, job title, company and department at the time he/she was a custodian of such records; (ii) whether the individual is still employed by your company or any affiliate thereof; (iii) if the individual is still so employed, his/her current job title, company and department, and his/her supervisor's name and job title; and (iv) if the individual is not still so employed, his/her last known address and the date of that information.

ANSWER:

Records produced in response to these Requests were kept in the COCOT Business Office of the Industry Services Group and were available to people working in the office who needed to use them. In early 1991, Joann Petrocelli Quattrone served as the manager of this office. She has since retired. From 1991 until March 1995, Arthur Zanfini served as the manager of this office. Mr. Zanfini currently is a Director, Wholesale Markets. Since March 1995, Linda Klein has been the manager of this office. Her current supervisor is John Christensen, who is acting Director of the Industry Services Group.

11. In the event that you are unable to respond to any of these Interrogatories or are unable to produce any record of NY Telephone that is within the scope of these Requests for Production because you no longer have certain types of records of NY Telephone, please provide a copy of any document retention/destruction policy or policies of your company that applied to such records under any portion of the period from January 1, 1989, to the present.

RESPONSE:

Defendant objects to this request to the extent it seeks information for any period prior to January 1991. Complainant's claim is subject to a two-year statute of limitations that runs from the date the Complaint was filed. The Complaint was filed February 16, 1993; therefore, information prior to February 16, 1991, is not relevant to the resolution of this case.

Subject to and without waiving this objection, Defendant states that Defendant may or may not have records responsive to these Requests, but Defendant is unable to locate those records without further information from Kayson.

VERIZON COMMUNICATIONS

By: Linda Klein /s/
Linda Klein
Area Operations Manager

I, Linda Klein, am the Area Operations Manager with the Defendant telephone company and am authorized to make the above interrogatory answers on behalf of the Defendant, now known as Verizon-New York. The above answers have been prepared with the assistance of counsel and are based on personal knowledge, the personal knowledge of Verizon-New York employees, or on information obtained from Verizon records. The answers are true to the best of my knowledge, information, and belief.

Linda Klein /s/
Linda Klein

AS TO OBJECTIONS:

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2001, copies of the foregoing Verizon-New York's Answers to Complainant Kayson Communications' Initial Interrogatories and Response to Request for Production of Documents sent by facsimile transmission, and hand-delivered on the 13th day of June, 2001, to:

Michael Thompson, Esquire
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And copies were hand-delivered on the 13th day of June, 2001, to:

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And copies were mailed, first-class mail, postage prepaid, on the 13th day of June, 2001, to:

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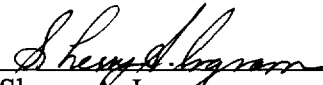
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